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AUTHOR	Powell, Roslyn; Leiwant, Sherry; Hempstead, Ilizabeth Gonchar
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ABSTRACT

This 2000 study re-evaluated the type of child care information given to parents on public assistance by caseworkers. It assessed whether laws protecting low-income parents' rights were being followed and whether people on public assistance were receiving appropriate information about child care. The study was a follow up to a 1999 study. Respondents were recruited at New York City employment services offices and job centers. Responses from 96 people indicated that, as in 1999, most respondents had not received written information about child care and were not informed by their caseworkers that they could not be sanctioned if they were unable to work due to lack of child care. About half of the respondents said they had been threatened with sanctions if they were unable to work, even if the reason was lack of child care. Recommendations include ensuring that caseworkers receive regular training about their clients' child care rights, monitoring case files to ensure that clients have been given required information on sanctions and child care, and forming an advisory committee comprised of advocates and New York City representatives. (SM)

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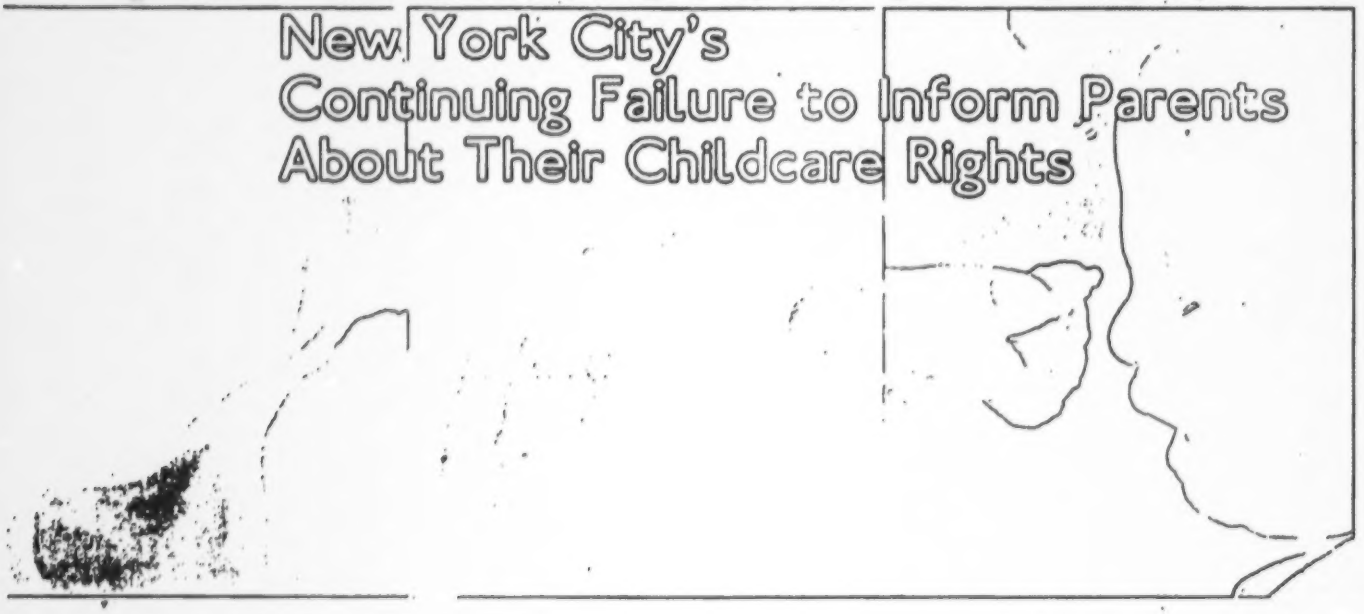
Still Nowhere to Turn:

New York City's Continuing Failure to Inform Parents About Their Childcare Rights



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Roslyn Powell, J.D., M.P.A.
Sherry Leiwant, J.D.
Ilizabeth Gonchar Hempstead, J.D.
NOW Legal Defense and Education Fund

Still Nowhere to Turn:

New York City's Continuing Failure to Inform Parents About Their Child Care Rights

Introduction

In the summer of 1999, NOW Legal Defense and Education Fund conducted a survey to determine whether New York City parents who were required to participate in the City's welfare-to-work program were given adequate information about child care. The results of the survey formed the basis of a report entitled *Nowhere to Turn: New York City's Failure to Inform Parents on Public Assistance About Their Child Care Rights.* The survey confirmed that parents were not provided with adequate information about child care. Responding to advocacy by NOW Legal Defense and Bronx Legal Services, New York State and City issued directives specifically designed to ensure that caseworkers provide parents with child care information.

In the summer of 2000, NOW Legal Defense conducted a follow-up survey in New York City to determine if these directives were being followed.[1] We found that they were not. As in 1999, many parents were not given adequate information about child care, and actually wrongly threatened with sanctions, i.e., a reduction or termination of their welfare benefits, if they could not work due to lack of child care. For instance, in the 2000 survey:

- 79% of respondents said they had not received written information about child care, as mandated by the state and city's most recent policy directives;
- 95% of respondents said they were not informed by their caseworkers that they could not be sanctioned if they were unable to work due to lack of child care;
- 49% of respondents said they had been threatened with sanctions if they were unable to work even if the reason was lack of child care.

Given the importance of child care to the success of any welfare-to-work program, our survey's findings are troubling. After all, no parent should be forced to work if she does not have proper care for her children, and no parent should feel pressured to use child care that may be inadequate for children because she fears losing her welfare benefits.

[1] We approached 542 individuals at eleven Employment Services Offices or Job Centers throughout New York City. Ninety-six of these individuals met the requirements for our target population and completed the survey.

Child Care Protections Under Federal & State Law

Both state and federal law recognize the importance of child care to parents in welfare-to-work programs by providing parents with certain child care rights and options. Specifically, New York families receiving public assistance are guaranteed child care if they need it in order to work.[2] Parents must be given assistance in obtaining child care if they request it.[3] In addition, a parent cannot be sanctioned if she is unable to work due to the lack of child care.[4] Finally, parents must be informed of this protection from sanctions.[5]

In response to advocacy by NOW Legal Defense and Bronx Legal Services in spring of 1999, the State of New York issued a Local Commissioner's Memorandum ("LCM") establishing procedures to ensure that parents are informed of this protection from sanctions. The state also issued a notice entitled *Important Information About Child Care* that apprises recipients and applicants for public assistance of their child care rights and obligations. In response to the LCM, New York City issued a policy directive informing City workers of the availability of the notice, and providing instructions for disbursing this and other related child care information to clients. Pursuant to these regulatory directives, caseworkers are required, at the very least, to provide parents in welfare-to-work activities with a written notice about their child care rights.

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[2] New York State law guarantees child care assistance for families on public assistance with children under thirteen years of age when such child care is necessary for the parent or caretaker relative to engage in work-related activities. N.Y. Soc. Serv. Law § 410-w(3) and N.Y. Soc. Serv. Law § 332-a (2000).

[3] N.Y. Soc. Serv. Law § 342 (2000).

[4] Under federal law, a state may not sanction an individual by reducing or terminating assistance for failure to meet work requirements if the individual is a single parent caring for a child under the age of six and can demonstrate an inability to find appropriate child care. 42 U.S.C. § 607(e)(2) (2000). Similarly, New York law prohibits the sanctioning of parents with children under the age of thirteen if they are unable to work due to lack of child care. N.Y. Soc. Serv. Law § 342(1) (2000).

[5] 45 C.F.R. § 261.56 (2000); 45 C.F.R. § 98.33(2000).

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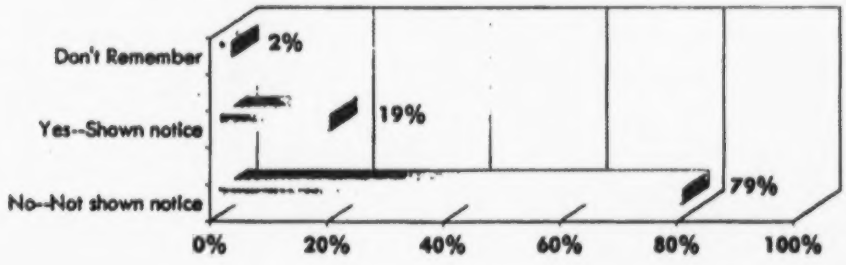
Findings

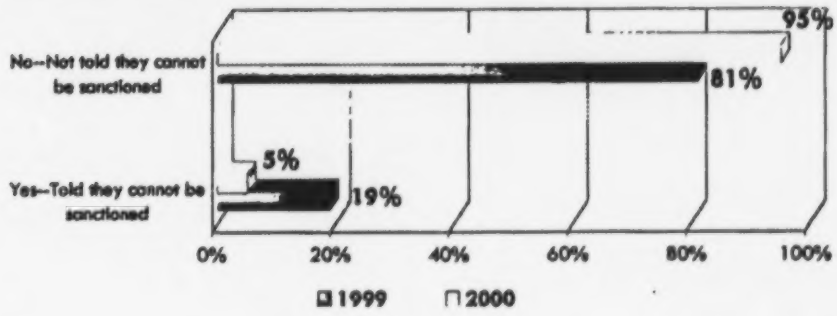
During the summer of 2000, we conducted a follow-up survey to determine whether the LCM and policy directive actually led to an improvement in the type of information given to parents. Our survey did not demonstrate an improvement. For instance:

- While many of the respondents reported that their caseworkers had talked to them about child care, 79% also reported that their caseworkers had *not* shown them the "Important Information About Childcare" notice.
- 95% of respondents (compared with 81% in 1999) were not informed by their caseworkers that they could not be sanctioned if they were unable to work due to lack of child care.
- 49% of respondents (compared with 46% in 1999) were threatened with sanctions if they were unable to work even if the reason was lack of child care.

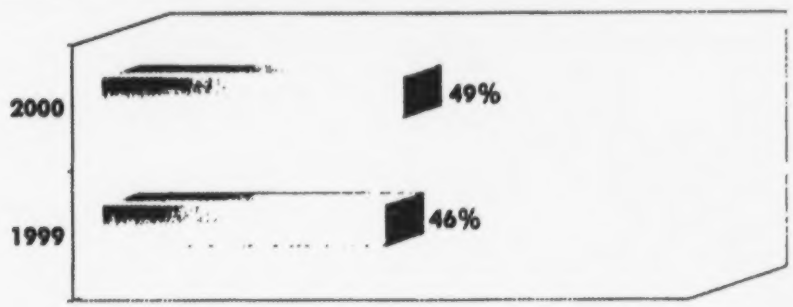
Percentage of Parents Who Were Shown the Child Care Notice



Percentage of Parents Who Were Told About Sanctions



Percentage of Parents Who Were Threatened With Sanctions



Although New York City has an obligation under both state and federal law to provide parents in welfare-to-work programs with information about their child care rights and options, there are clearly persistent problems with the City's compliance with these legal requirements.[6] Given the importance of child care to parents in the City's welfare-to-work programs, the repeated failure to provide parents with even the most basic information is unacceptable. The City's failure can negatively affect parents in a number of ways. For instance, a parent who is unaware that she cannot be sanctioned due to lack of child care might feel pressure to use care that is inappropriate for her child. On the other hand, she might unnecessarily accept a reduction of benefits because she cannot find adequate child care for her children. In either case, she and her family suffer.

Based on these two surveys and our experience with clients in New York City, we have the following recommendations:

- **Training for caseworkers.** The City must ensure that caseworkers are regularly trained about their clients' child care rights. Written procedures are not enough to insure that workers will give clients accurate information. All caseworkers should undergo specific training emphasizing that they must provide both written and oral information about parents' child care rights, and inform parents that they cannot be sanctioned if they cannot find child care for their children.

- **Monitoring compliance.** Current procedures mandate that caseworkers document in each case file that the client has been informed of her child care rights. It is important that case files be monitored to insure that clients have been given required information on sanctions and child care.

- **Advisory committee.** Given the persistent failure to inform mothers on welfare about their child care rights and options, the City should form an advisory committee comprised of advocates and City representatives to devise ways to ensure that families in welfare-to-work programs are fully informed of their rights and options.

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[6] New York City's Public Advocate has also documented the City's failure to adequately inform parents about their child care rights and options. *See* Mark Green, Public Advocate for the City of New York, *Welfare and Child Care: What About the Children?* (1997).

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Survey Method: *The Study Design & Implementation*

Our study was based on data obtained from individuals in New York City's welfare-to-work program. Our target population comprised individuals, both male and female, with dependent children under the age of 13 who had met with a caseworker either for a work assignment, a follow-up appointment, a conciliation, an application for benefits, or for other reasons, such as to obtain child care. The individuals we targeted also currently received public assistance other than food stamps or Medicaid.

We targeted clients at eleven Employment Services Offices or Job Centers throughout four boroughs of New York City: Clinton/62 in Brooklyn, Dekalb/64 in Brooklyn, Bushwisk/66 in Brooklyn, Rider/38 in the Bronx, Fordham/44 in Brooklyn, Bergen/48 in the Bronx, Jamaica/54 in Queens, the Jamaica BEGIN center in Queens, Waverly/13 in Manhattan, the East End/23 in Manhattan, and Hamilton/28 in Manhattan. We went to these general Employment Offices because most BEGIN centers are no longer separately housed.[7]

Since we did not know which clients were members of our target population, we approached either *all* individuals exiting each of these centers, or randomly approached every *nth* individual exiting the center building. Thirteen interviewers in total were stationed two at a time at the field sites for approximately 4-5 hours a day during July-August 2000. Each interviewer went out on two separate days.

Of the 542 individuals approached at the eleven centers, we excluded individuals who were not part of the target population in two stages: immediately upon approach and after they completed certain questions for screening. Forty-three people were immediately excluded because they were caseworkers or other employees of the building. Two hundred fourteen people were further excluded because they were unwilling to participate in the survey, while fifteen people could not participate because they were non-English speakers. The remaining 270 individuals whom we approached agreed to take the survey, for a total response rate of 49.8%. Of these 270 individuals, 96 met the requirements for our target population and completed the entire survey, for a survey completion rate of 35.6%.

The survey responses were entered as a data set and tabulated using the computer spreadsheet program Excel. The data reported in this study reflect the responses of 96 members of the target population.

[7] Begin Employment Gain Independence Now (BEGIN) is New York City's welfare-to-work program. It is administered by the Office of Employment Services of the Human Resources Administration.

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